

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SECOND AMENDMENT FOUNDATION,
et al.,

Plaintiffs,

v.

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS, AND EXPLOSIVES, *et al.*,

Defendants.

No. 3:21-cv-0116-B

**CONSENT MOTION TO EXTEND DEADLINE FOR DEFENDANTS TO
RESPOND TO AMENDED COMPLAINT AND SET BRIEFING SCHEDULE**

Pursuant to Federal Rule of Civil Procedure 6(b), Defendants seek an enlargement of Defendants' time to answer or otherwise respond to Plaintiffs' Amended Complaint, ECF No. 3. Moreover, Defendants respectfully propose the schedule for briefing below. Plaintiffs consent to both requests. Defendants respectfully submit that the following good cause supports the requests:

1. Plaintiffs filed the Complaint and Amended Complaint January 15, 2021. Absent an enlargement of time, Defendants' response to the Amended Complaint would be due March 31, 2021.
2. This case is one for review of administrative decisions of a federal agency, and it is therefore exempt from the scheduling and planning requirements of Fed. R. Civ. P. 16(b) pursuant to N.D. Tex. Local Civ. R. 16.1(i). *See also* Fed. R. Civ. P. 16.1(b)(1) (recognizing that courts may by local rule exempt certain categories of cases from the scheduling order requirements of Fed. R. Civ. P. 16).

3. The parties propose to facilitate the expeditious resolution of this case, with the Court's approval, by setting an agreed-upon schedule for producing the relevant administrative record and filing dispositive cross-motions with the benefit of that administrative record.
4. Undersigned counsel for Defendants conferred with counsel for Plaintiffs who indicated that Plaintiffs consent this course of action.

Proposed Schedule:

On or before April 9, 2021, Defendants shall produce to Plaintiffs the administrative record for the agency decisions at issue in this case.

On or before May 21, 2021, Plaintiffs shall file a motion for summary judgment.

On or before June 18, 2021, Defendants shall file a cross-motion for summary judgment, the certified administrative record, and a combined motion to dismiss.

On or before July 9, 2021, Plaintiffs shall file a reply in support of their motion for summary judgment and response to Defendants' combined cross-motion for summary judgment and motion to dismiss.

On or before July 30, 2021, Defendants shall file a reply in support of their combined cross-motion for summary judgment and motion to dismiss.

A proposed order granting this consent motion accompanies this motion. And Defendants will submit a Word version of the proposed order to the Court's "orders" email address.

Dated: March 29, 2021

Respectfully submitted,

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LESLEY FARBY
Assistant Branch Director

/s/ Charles E.T. Roberts
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Attorneys for Defendants

Certificate of Service

On March 29, 2021, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Charles E.T. Roberts
CHARLES E.T. ROBERTS
Trial Attorney